

E-filed 6/28/07

JOHN F. BARG (State Bar No. 60230)
 MARC A. ZEPPELLO (State Bar No. 121185)
 BARG COFFIN LEWIS & TRAPP, LLP
 One Market · Steuart Tower, Suite 2700
 San Francisco, California 94105-1475
 Telephone: (415) 228-5400
 Facsimile: (415) 228-5450

Attorneys for Defendant
 UNION PACIFIC CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ARTHUR G. MAIONCHI, EDWARD A.
 MAIONCHI, THOMAS S. DINETTE, and
 CHARLES J. KRAFT,

Plaintiffs,

v.

UNION PACIFIC CORPORATION, a Utah
 corporation,

Defendant.

Case No.: C-03-0647-JF

STIPULATION AND [PROPOSED]
 ORDER TO EXTEND CERTAIN
 PRETRIAL DATES

Plaintiffs Arthur G. Maionchi, Edward A. Maionchi, Thomas S. Dinette, and Charles K. Kraft and Defendant Union Pacific Corporation ("Union Pacific") hereby stipulate to extend certain pretrial dates for an additional three to four weeks to enable the parties to continue their settlement discussions initiated during mediation before Mr. Martin Quinn, Esq., of JAMS LLC in San Francisco, on June 14, 2007. At Mr. Quinn's recommendation, the parties jointly request that the Court enter the accompanying proposed order granting the requested extensions.

1. At the most recent case management conference, held on February 2, 2007, the Court adopted the following pretrial and trial schedule, as proposed by the parties:

- Completion of Fact Discovery: April 27, 2007
- Last Date for Disclosure of Experts: May 11, 2007

- 1 • Close of Expert Discovery: May 31, 2007
- 2 • Last Day to File Dispositive Motions: June 8, 2007
- 3 • Last Day to Hear Dispositive Motions: July 20, 2007
- 4 • Pretrial Conference: September 7, 2007
- 5 • Trial: October 2, 2007

6 2. On January 22, 2007, the parties participated in a mediation session with Martin
7 Quinn of JAMS in San Francisco. The parties were unable to reach a settlement at that time, but
8 subsequently scheduled a further mediation session with Mr. Quinn for June 14, 2007.

9 3. To enable the parties to devote their resources to settlement discussions, the
10 parties stipulated to, and on May 31, 2007, the Court issued an order approving, an extension of
11 deadlines for the close of expert discovery, and for filing and hearing dispositive motions, as
12 follows:

- 13 • Close of Expert Discovery: June 26, 2007
- 14 • Last Day to File Dispositive Motions: June 29, 2007
- 15 • Last Day to Hear Dispositive Motions: August 10, 2007

16 The Pretrial Conference date of September 7, 2007, and Trial Date of October 2, 2007, were not
17 affected by this Order.

18 4. In light of progress made during the further mediation session conducted by Mr.
19 Quinn on June 14, 2007, Mr. Quinn has recommended, and the parties have agreed, that the
20 prospects for settlement will be aided by a further order adjusting the pretrial schedule as follows:

- 21 • Revised Deadline for Close of Expert Discovery: July 17, 2007
- 22 • Revised Last Day to File Dispositive Motions: July 20, 2007
- 23 • Revised Last Day to Hear Dispositive Motions: August 31, 2007
- 24 • Revised Date for Pretrial Conference: September 14, 2007

25 The parties suggest the proposed Revised Date for Pretrial Conference in order to provide more
26 time between the hearing on dispositive motions and the pretrial conference. The Trial Date of
27 October 2, 2007 would not be affected by this order, if granted.

- 28 5. Except as set forth herein, there have been no modifications to or extensions of

1 dates set forth in the pretrial schedule.

2 Respectfully submitted,

3 DATED: June 15, 2007

BARG COFFIN LEWIS & TRAPP, LLP
JOHN F. BARG
MARC A. ZEPPELLO

5 By: /s/ Marc A. Zeppetello
6 MARC A. ZEPPELLO
7 Attorneys for Defendant
8 UNION PACIFIC CORPORATION

9 DATED: June 15, 2007

10 ALLEN MATKINS LECK GAMBLE
11 MALLORY & NATISIS LLP
12 DAVID D. COOKE

COX CASTLE & MICHOLSON LLP
STUART I. BLOCK

13 By: /s/ David D. Cooke
14 DAVID D. COOKE
15 Attorneys for Plaintiffs

16 Attestation Regarding Signature: This document is being file electronically under my
17 user ID and Password. Pursuant to General Order 45, section XB, I hereby attest that
18 concurrence in the filing of this documents has been obtained from each of the other signatories
19 to this document. I declare under penalty of perjury under the laws of the United States that the
20 foregoing is true and correct. Executed June 15, 2007.

21 By: /s/ Marc A. Zeppetello
22 MARC A. ZEPPELLO
23
24
25
26

27 BARG
28 COFFIN
LEWIS &
TRAPP
ATTORNEYS
LLP


[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, the Court modifies the case management schedule as follows:

- Deadline for Close of Expert Discovery: July 17, 2007
- Last Day to File Dispositive Motions: July 20, 2007
- Last Day to Hear Dispositive Motions: August 31, 2007
- Pretrial Conference: September 14, 2007

The Trial Date remains October 2, 2007.

Dated: 6/27/07



Honorable Jeremy Fogel
United States District Judge